

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

**CRIMINAL NO. 1:04cr26BrRo
CIVIL NO. 1:05cv502**

RANDOLPH THOMAS

ORDER

The Court having reviewed the defendant's motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. §2255 filed herein; upon motion *re tenus* of the United States, and upon a finding that the defendant alleges ineffective assistance of counsel in this cause,

IT IS THEREFORE ORDERED that the government furnish a copy of the defendant's motion to former counsel for the movant in the above-mentioned proceedings, the Honorable John W. Weber, III, and that said former counsel for the movant respond within ten days of this Order by written affidavit to the allegations made by the movant in the motion, with a copy of the affidavit provided to the government, and the Court further and specifically finds that the movant has waived his right to claim an attorney-client privilege in regard to these proceedings, and that the government submit its Response no later than ten days after the submission of the above-referenced affidavit.

ORDERED on this the 13th day of January, 2006.

**S/DAVID BRAMLETTE
UNITED STATES DISTRICT COURT JUDGE**

